

REMARKS/ARGUMENTS

This Amendment is in response to the Office Action mailed March 18, 2005. In the Office Action, claims 6 and 9 were rejected under 35 U.S.C. § 112, claims 1-45 were rejected under 35 U.S.C. § 102. Applicants respectfully traverse the rejection in its entirety.

Herein, claims 1, 6, 8-9, 14, 21-30, 41 and 45 have been amended. Claims 38-40 have been cancelled and claim 46 has been added. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

Rejection Under 35 U.S.C. § 112

Claims 6 and 9 were rejected under 35 U.S.C. § 112. Claims 6 & 9 have been revised and such revision corrects the claim dependency informality. Hence, withdrawal of the rejection is respectfully requested.

Rejection Under 35 U.S.C. § 102

Claims 1-45 were rejected under 35 U.S.C. §102(e) as being anticipated by Cook (U.S. Patent 6,496,744). Applicants respectfully request the Examiner to withdraw the rejection because a *prima facie* case of anticipation has not been established.

As the Examiner is aware, to anticipate a claim, the reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Vergegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the...claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ 2d 1913, 1920 (Fed. Cir. 1989).

For instance, with respect to independent claim 1 for example, Applicants respectfully submit that Cook does not describe the receipt of one or more files having a first format and the transfer of a selected file onto a different media based on input from the first device, *where the selected file having a second format differing from the first format. Emphasis added.* Cook describes the stored song tracked as a ".wav" (or wave) file without any teaching of conversion

to another format type. Therefore, Applicants respectfully request that the §102(e) rejection as applied to claim 1 be withdrawn.

With respect to independent claims 21, 31, 35 and 41, Applicants respectfully submit that Cook does not describe a “file transfer notification” as claimed. The reason is that Cook is devoid of any teaching or suggestion of a file archive in which users upload files into the server and are able to subsequently download these files. Moreover, notification of the file transfer and the media transfer may be sent to a second device (e.g. cellular telephone) that differs from the first device (e.g., computer) as set forth in claims 14, 23, and 46.

In summary, Applicants respectfully request that the Examiner withdraw the outstanding §102(e) rejection and timely issue a Notice of Allowance.

Conclusion

Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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Dated: 06/20/2005

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Attachments

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Susan McFarlane

06/20/2005

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Amendments to the Drawings:

The attached sheet of drawings includes changes to Figs. 2 and 3. In Figure 2, a connector line has been added between boxes 218 and 220. In Figure 3, a previously omitted box indicator 304 has been added.

Attachment: Replacement Sheets